

The Applicant respectfully submits that Anglin does not describe each and every element of independent claims 1 and 6 or even suggest all of the features of Applicant's claimed invention.

It may be helpful to provide an overview of the Anglin reference. Generally, Anglin discloses a method and apparatus for administering end user support in a computing environment. (Column 1, lines 20-21). More specifically, Anglin discloses a method for providing communications between an end-user, a product administrator and/or customer support service personnel.

It does this in a traditional client/server network (100) as shown in Fig. 1. (Column 6, lines 60-62). A server (110), such as an HP/UX server is connected to a plurality of clients (120). The server communicates with the clients, and the clients with each other and the server over a traditional local area network (LAN). In Anglin the LAN is described as either a Novell Netware network or a PC LAN. In other words, when server (110), communicates with any one of the workstations in the system, it always does so over the single LAN network (not numbered in Fig. 1, but shown as the oval).

Accordingly, each computer, workstation or server in the customer service system of Anglin contains a single communication interface to facilitate communication over the single communication path between the computers, i.e. the LAN. Referring to Claim 1 of Anglin, the first computer system (accessible by an end-user) has a communication interface. (Column 35, lines 11-29). The second computer system (accessible by an administrator) has a communication interface linked to the communication interface of the first computer system. (Column 35, lines 30-52). The third computer system (accessible by the administrator and a vendor representative) has a communication interface linked to the communication interfaces of the first and second computer systems. (Column 35, lines 53-66, Column 36, lines 1-8).

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computer in the customer service system clearly has a single communication interface to facilitate communications to each other over the single LAN network. In this type of system if the LAN network is unavailable due to failure, none of the computer system would be able to communicate with one another.

This does not disclose, teach or even suggest Applicant's Claim 1.

Claim 1, as amended, calls for a system wherein:

"A system having first and second processes residing on first and second computers used with backup or restore operations, wherein each of said first and said second computers are in communication with a data storage system storing data from at least said first and second computers and a network..."

This portion of Claim 1 has the first and second computers, each having its own processes being able to communicate with (1) a data storage system capable of storing data from both the first and second computers and (2) a network.

Claim 1 further states:

"...at least one first communication mechanism residing on both said first and second computers for facilitating communications between said first and second processes over said network;

a second communication mechanism residing on both said first and second computers for facilitating communication between said first and second processes through said data storage system; and ..."

Each computer, first and second, within the system of Claim 1, contains not one but two communication mechanisms. As earlier explained, this is not taught, disclosed or suggested in Anglin. Each computer in the customer service center of Anglin has a single communication interface. In Applicant's invention, the first communication mechanism on both the first and second computers is there to allow the processes on the respective first and second computers over a network. The second communication mechanism on both the first and second computers is there to allow the processes on the respective first and second computers through the data storage system. Because of the presence of two communication mechanisms on each computer in the system, the processes on each computer have two different ways to communicate with one another.

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The communication may be over the network or over or through the data storage system. If the network is not available, the processes on the first and second computers can continue to communicate with one another through the data storage system. The data storage system effectively serves as its own storage area network. Referring to Fig. 3 of Applicant's application, the data storage system is not part of the network, and the connections from the first and second computers are separate and distinct from the network connection. Communications can occur through the network or through the data storage system. The data storage system effectively becomes a second communications channel. Anglin as shown, has only one communication path available for the computers in the system, the LAN, and if that LAN is not available, there cannot be any communication between the computers in the system. Applicant's invention, provides for two different ways for the processes to communicate with each other.

The Examiner also has stated that, Applicant's Claim 1, which states in part:

"...means, within said first and second processes, for allowing said first and second processes to determine whether a communication from said first and second processes is from first or second communication mechanism."

is shown at Column 36, lines 28-46. Applicant respectfully disagrees with the Examiner's statement. The Anglin reference at the cited Column 36, does not identify a particular communication mechanism as the source of the communication. Anglin allows for the identification of an inquiry. For example, an inquiry received by the second computer system from the first computer system contains an identifier that identifies an end-user as the originator of the inquiry. (Column 36, lines 28-30). This is not what Applicant is claiming. Applicant's claim 1 claims a method to identify whether a communication has been sent, not from a particular process or computer, but which communication mechanism has sent the communication, the first communication

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mechanism associated with the network path or the second communication mechanism associated with being able to communicate through the data storage system.

Therefore, Anglin does not identically disclose each and every feature of Applicant's independent Claim 1. Anglin does not contemplate the use of anything other than a network to serve as the vehicle for transferring information from one process to another, as the computers in the system contain a single communication interface. Applicant's invention is directed to a very different concept, whereby each computer in system each has two (2) different communication mechanisms to allow for communication to occur either (1) over a network; or (2) through a data storage system.

Claims 2-5 depend from independent Claim 1, and add further limitations to Claim 2, which is believed to be allowable over the prior art for the reasons stated above. Claim 6 is also believed allowable for the reasons stated above. In particular, Anglin does not disclose the claimed concept of having one connection be established between two processes over the network with a second, parallel connection being established between two processes through a data storage system.

Claims 7-16 have also been rejected under 35 U.S.C. §103(a) as being unpatentable over Anglin in view of U.S. Patent No. 5,889,943 to Ji et al. (hereinafter "Ji"). Applicant respectfully traverses this rejection.

For the reasons set forth above regarding claim 1, the two references cannot be combined to disclose each and every feature of Applicant's claimed invention. In particular, Ji, which discloses a method for detecting and eliminating viruses on a computer network, has communications between the nodes work in the traditional client/server manner. (Column 8, lines 8-10). Looking at Claim 7, one connection is established over the network, while the second is established through the data storage system. Anglin does not disclose the having first and second connections over both a network and through a data storage system, whether alone or in combination with a

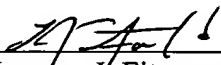
Applicant respectfully submits that claims 1-16 are patentably distinct over the prior art of record. Accordingly, favorable reconsideration and allowance of the above claims is respectfully requested.

Applicant believes no fee to be due in connection with this Amendment, however, any fee due in connection with this filing may be charged to Deposit Account No. 05-0889.

Respectfully submitted,

EMC Corporation

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